

In addition to the Joint Motion to Dismiss Pursuant to Rule 12(b)(6) (“Joint Motion”), which Defendants Elite Concrete LLC, Elite Concrete Holdings, LLC, and Elite Concrete of SC, LLC (collectively, “Elite”) join in its entirety, Elite separately moves to dismiss the Amended Complaint filed by Plaintiffs Pro Slab, Inc. and Bremer Construction Management, Inc.

(“Plaintiffs”) because Plaintiffs’ claims are time barred by the statute of limitations. In addition, Plaintiffs’ fraudulent concealment allegations are insufficient to toll the statute of limitations and should be stricken. For these reasons and those set forth in the Joint Motion, Memorandum of Law in support of the Joint Motion, and Elite’s contemporaneously filed Memorandum of Law, Plaintiffs’ Amended Complaint fails to state a claim upon which relief can be granted. Accordingly, the Amended Complaint should be dismissed in its entirety.

Respectfully submitted this 15th day of February, 2018.

/s/ Mathew M. McCoy

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **ELITE CONCRETE, LLC'S, ELITE CONCRETE HOLDINGS LLC'S, AND ELITE CONCRETE OF SC, LLC'S MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system, which will send automatic notification of such filing to all counsel of record.

This 15th day of February, 2018.

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